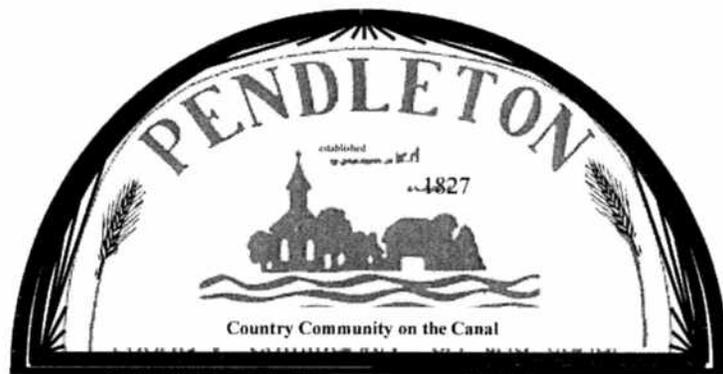


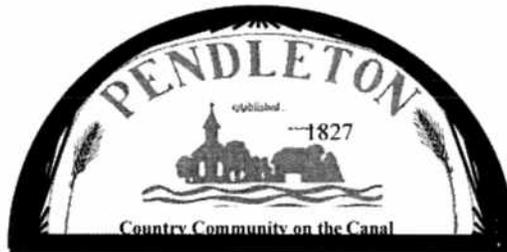
**TOWN OF PENDLETON**  
**COMPREHENSIVE PLAN**  
**2025**



November 2008

**TOWN OF PENDLETON  
COMPREHENSIVE PLAN**

**2025**



Prepared By:

The Town of Pendleton Master Plan Committee  
with review to update and preparation of Environmental Impact Statement by:

CRA Infrastructure & Engineering, Inc.  
285 Delaware Avenue  
Buffalo, New York 14202

**November 2008**

## **TOWN BOARD**

James Riester	Supervisor
Joseph Frawley	Councilman
Martin Korkuc	Councilman
David Leible	Councilman
Terry Pienta	Town Clerk

## **MASTER PLAN COMMITTEE**

James Sacco-Chairman	Town Planning Board
Linda Biernat	Pendleton Concerned Citizens
Jon Olstad	Starpoint School Board
Dan Vivian	Town Planning Board
Joe Kania	Town Planning Board
Ed Harman	Town Recreation Committee
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Carol Schmelz	Erie-Niagara Rails & Trails
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	Town Board
	Wendelville Volunteer Fire Co.
	Town Building Dept.

# TOWN OF PENDLETON COMPREHENSIVE PLAN 2025

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## INTRODUCTION

The Town of Pendleton Comprehensive Plan sets forth goals and objectives that will guide the physical development of the Town over the next 20 years.

This plan is an update to the Town Master Plan published in 1990. The 1990 Town Master Plan previously replaced a version of the plan that was published in 1966. Things have changed over the years. Pendleton has experienced significant growth and the Town has been attempting to maintain open space to protect the rural nature of the community while integrating economic development in the industrial and commercially zoned areas.

In preparing the Comprehensive Plan, the Town Master Planning Committee has had an opportunity to look at what has happened as a result of changes and to set a clear course for guiding the future growth of the Town.

While developing the Comprehensive Plan, there were a number of concepts and decisions, which were extremely important to this process.

- The Comprehensive Plan was not going to be a policy document. It was not going to provide detailed solutions to specific problems. The process was intended to identify and analyze the important issues and to point the Town in the right direction. It was to set forth goals, objectives, and strategies that will address the issues in the coming years.
- The Comprehensive Plan is to guide the future physical development of the Town. The plan provides direction for where, when, and how growth should occur.
- The Comprehensive Plan was to be based on available data and resources. No plan is produced with all the issues fully analyzed or all the studies completed. In the absence of information, reasonable assumptions were made.
- State wetlands encompass approximately 10% of the lands of the Town of Pendleton. Both the United States Army Corps of Engineers and the New York State Department of Environmental Conservation have dominant roles in land use development in the Town as a result of these wetlands.
- Enhance commercial and industrial development in the most appropriate areas of Pendleton that can assimilate with the existing land use in town.
- Look to define a historic theme for the Town Center and other appropriate areas in the Town of Pendleton.
- Plan for the impact of future growth on existing and future highways.

In order to meet these objectives, the Comprehensive Plan has discussed steps that need to be taken. The initial priorities are:

- Update the existing zoning regulations as deemed appropriate to be consistent with the Town Comprehensive Plan 2025.
- Develop the Town open space plan and the means, including possible public financing for implementation.
- Adopt an official map and overlays for the public infrastructure as one of the means to implement open space preservation and other future developments.
- Look at the need to perform traffic studies to develop ways to mitigate future traffic impacts.
- Review and revise the implementation plan as needed to maintain goals.

# CHAPTER 1

## PENDLETON 2010, A SUMMARY

### History

The Town of Pendleton experienced various declines and increases in growth during the period of 1900 (population = 1,367) to 1930 (population = 1,253). The population increased from 1,516 in 1940 to 1,815 in 1950 and 3,589 in 1960. The major increase in population from 1950 to 1960 was attributed to: cheaper housing, greater open space, larger lot sizes and lower taxes.

The years 1960 to 1980 have shown a relatively slow growth in the Town of Pendleton based on the amount of building permits issued during that time period. During the same time period Erie County has become developmentally saturated with residential development carrying over to the Town of Pendleton.

Pendleton has experienced strong residential development since 1980 as evident by the U.S. census figures. Population has increased from 4,726 in 1980 to 5,010 in 1990 and 6,050 in 2000. This, coupled with the increased number of building permits now being issued and the very strong demand for new residential land subdivision applications, has had a major impact on land use in the Town.

### The Year 2025

This growth is one of the primary reasons the Town decided to take a hard look at where they want to be in the year 2025. Under the direction of the Town Master Plan Committee, the issues confronting the Town of Pendleton have been researched and discussed in depth and have been included in this Comprehensive Plan. These discussions and debates have led to a clear vision of where the Town wants to be in the year 2025.

This vision is specified in the objectives detailed in this Comprehensive Plan. The objectives include: maintaining the beneficial policies that currently are being carried out such as the recreation and land use policies, strengthening other areas, and instituting strong new directions in areas such as open space. The key objectives are:

- Strengthen the Town's ability to foster controlled, orderly and balanced growth in line with its ability to properly support the growth that takes place.
- Improve the Town's recreational program.
- Preserve and protect the open character of the Town through the development of the open space plan, regulating development in wetland areas and other measures to maintain the open character such as lot size requirements.

## CHAPTER 2

### EXISTING SETTING

#### **Location and Size**

The Town of Pendleton is located on the southern border of Niagara County, midway between the urban areas of Lockport and North Tonawanda and within fifteen (15) miles of both Buffalo and Niagara Falls.

The area of the Town is approximately 27.8 square miles. It measures approximately 6.3 miles from west to east and its north-south measurement varies from a little over 3 miles to 6 miles.

#### **Geology**

Pendleton occupies a small part of the Eastern Lake Section of the Central Lowland Physiographic Province, a wide area surrounding the eastern Great Lakes. Within this province, the Pendleton area is part of the Huron Plain, raised above the Ontario Plain at the Niagara Escarpment.

Much of the land in the northern part of Pendleton has bedrock at depths of greater than eight (8) feet with few outcrop areas. Toward the south, the soils become progressively deeper and are underlain with a bed of shale.

#### **Topography**

The Town's topography reflects the very flat characteristics of its lakebed origin. The land slopes gently to the south with approximately 75% of the land between the elevations of 570 and 600 feet above sea level.

Twenty-nine freshwater wetlands comprising approximately 1,780 acres have been identified by the state in the Town of Pendleton. These wetlands are distributed throughout the Town with a large portion along the abandoned Conrail property.

Aside from streams, the only other major topographic features of the Town are Tonawanda Creek and the Erie Canal. Tonawanda Creek serves as the southern boundary of the Town of Pendleton. Leaving Tonawanda Creek two-thirds of the distance across the Town, the Erie Canal has been cut through the Town in a north-northeast direction. The canal thus separates the east and western portions of the Town.

## **Drainage**

Presently, the Town is faced with difficult problems of securing adequate drainage due to many flat areas throughout the Town. The existing storm drainage facilities in the Town are comprised of a series of natural and manmade streams and ditches and an assortment of varying size culverts. Storm water conveyed through these existing facilities has proven to be difficult to manage, primarily due to the Town's flat topography. In addition, significant storm drainage issues, further complicated by heavy rainfall and heavy snowmelt, occur in the late winter and early spring seasons.

Bull Creek drains the entire northwest section of Town in addition to large areas of Cambria and Wheatfield. The gradient of Bull Creek is less than one foot per thousand, which contributes to severe flooding from the creek.

In July of 1981, a Flood Insurance Study for the Town of Pendleton was published by the federal Emergency Management Agency (FEMA). The study was conducted to investigate the existence and severity of flood hazards in the Town and to aid in the administration of the National Flood Insurance Act of 1968 and the Flood Disaster Act of 1973. From this study, it was determined that the Town has many areas of flooding potential.

The Town has taken steps to improve storm water drainage throughout the Town. A storm water drainage study has been completed by R&D Engineering dated March 1991. FEMA is currently taking measures to update the existing Flood Insurance Rating Maps (FIRM) to better reflect current conditions. The maps are being updated to better define floodway cresting patterns and floodplain locations.

NOTE: Banks usually require flood insurance if they are to provide financing for land purchased that is within a floodplain area.

The Town is currently working to address water quality issues per the NYSDEC and USEPA requirements.

## **Land Use**

The predominant land use in the Town of Pendleton is residential with approximately 16,247 acres. This is followed by agricultural, which accounts for approximately 4,868 acres of the land use. The next major uses are light industrial and commercial. Refer to Table 2-1 on page 2-3 for more information on existing land use. There are limited industrial facilities that include light manufacturing and offices, which are located throughout the Town. The Town has considerable open space, which includes vacant land; New York State designated wetlands and portions of floodplains along waterways throughout the Town.

TABLE 2-1

EXISTING LAND USE

<u>LAND USE</u>	<u>TOTAL ACREAGE (VACANT AND UTILIZED)</u>	<u>PERCENT OF TOTAL</u>
RESIDENTIAL	16,247	91.3%
LIGHT INDUSTRIAL	771	4.3%
COMMERCIAL	782	4.4%
TOTAL	17,800	100.0%

NOTE: Agricultural land use found within all of the above zoning districts is approximately 4,868 acres.

**Population**

The 1990 Town of Pendleton population was 5,010 with an average household size of 3.2 persons/household and the year 2000 population was 6,050 with an average household size of 3 persons/household. Based on U.S. Census data (Appendix A), the estimated 2010 population is 8,000 with an average of about 2.7 persons/household. Future populations may be substantially higher if there is a very healthy local economy with a correspondingly high demand for housing, coupled with a leveling off or only slight decline in the number of people per household within the Town. Refer to Appendix A for more information concerning Town population and additional information on building permits issued by the Town over the last thirty (30) years.

**Assessment Based on 2005 Roll**

The total Town assessment distribution is as follows:

<u>CLASS</u>	<u>ASSESSMENT</u>
Residential	\$ 315,218,701
Commercial	\$ 19,941,300
Exempt	\$ 41,374,400
Special Franchises	\$ 6,223,348
Utilities	\$ 20,509,194
Vacant	\$ 13,536,980
Industrial	\$ 1,119,000
Agricultural	\$ 9,356,400
TOTAL	\$ 427,279,323

## **Growth Trends**

The projected growth in Pendleton reflects the area-wide economy as well as being directly influenced by the growth in the Town of Amherst immediately to the south. Pendleton offers the availability of large, attractive single-family lots in a suburban, rural setting for which there presently is a strong demand.

## **Traffic**

Overall the road system within the Town of Pendleton is adequate based on the existing amount of residents. However, continued growth throughout the Town could lead to traffic congestion in some areas, especially along the southern border of the Town.

The Niagara Frontier Transportation Committee completed a Pendleton Traffic Study dated June 1992, which identified locations throughout the Town, which may have had accident problems as determined by the traffic accident history. This report also included recommendations for upgrading existing facilities to relieve what was considered “problem locations”. This report should be taken into consideration when future transportation upgrades are planned.

In addition, the Niagara Frontier Transportation Committee completed the Corridor Preservation Study in 1998 for the proposed extension of the Lockport Bypass at Robinson Road. The recommendation found in this report should be considered when planning future transportation upgrades.

## **Recreation**

The Town of Pendleton presently has a good recreational system. Two town parks and one county park provide residents with the facilities for basketball, tennis, baseball and picnicking. In addition, the Erie Canal and Tonawanda Creek provide residents with boating facilities.

The required monetary contribution from new subdivisions has led to a Town fund which will be utilized for the future purchases of lands to be utilized as open space or recreational areas (Town Parks).

## **Open Space**

There is considerable open space within the Town of Pendleton due to undeveloped lands. Large areas are floodplains and state and federal designated wetlands. In addition, there are many wooded areas. All of these lands contribute to the rural atmosphere conveyed by the Town. The Town presently does not have an open-space plan, but is presently implementing the protection of floodplains, drainage channels and wetlands to comply with state and federal laws.

## **Land Use Regulations**

The Town has continued to encourage its land use regulations through the addition of new ordinances and modification of existing ones. As deemed appropriate, the Planning Board will review Town Ordinance and Zoning Regulations and make recommendations for changes to them.

## **CHAPTER 3**

### **NATURAL DEVELOPMENT CONSTRAINTS**

#### **SECTION 3.1 OVERVIEW**

The development constraints discussed in this section are displayed/addressed in the National Flood Insurance Program (NFIP) Maps for the Town of Pendleton (per Title 44 CFR Chapter 1: Federal Emergency Management Agency), the New York State Department of Environmental Conservation (NYSDEC), Article 24 NYCRR Part 663 regulations for wetlands, the U.S. Army Corps of Engineers Regulatory Program Regulations for Navigable Waterways (33 CFR 320-331), the U.S. Department of Agriculture Soil Survey of Niagara County, New York, and the Town of Pendleton Master Plan 2010 (dated 1990).

#### **SECTION 3.2 OBJECTIVES**

##### **OBJECTIVE NO.1**

To control development that would have a negative effect on other properties in the Town or adjoining communities by increasing flood hazards. This includes items such as construction in floodways and floodplains and increasing runoff due to site development without compensating measures such as storm water detention facilities.

##### **OBJECTIVE NO. 2**

To control development that would create an excessive risk of future damage due to poor soil stability and bearing capacity to homes and infrastructure.

##### **OBJECTIVE NO. 3**

To control development that would have an adverse impact on wetlands, which exist throughout the Town. This would include the siting of alternate areas for construction activities based on the NYSDEC and U.S. Army Corps of Engineers rules, regulations and policies.

#### **SECTION 3.3 POLICIES AND GOALS IMPLEMENTATION**

1. Continue to strictly enforce the Flood Damage Prevention Local Law and the National Flood Insurance Program based on the Federal Flood Emergency Management Administration (FEMA) maps and reviews them periodically to ensure that the local law is providing the protection intended.
2. Develop policies, rules and regulations to require soil stability/bearing capacity studies for all new construction (private and public infrastructure) in the Town of Pendleton as certified by a Licensed Professional Engineer. Ensure also that all studies performed on soil stability in this, the Tonawanda Creek and Bull

Creek drainage basin, are taken into account when developing these standards.

3. Enforce the State DEC and Federal wetlands rules and regulations to protect wetland areas per the New York State Department of Environmental Conservation (NYSDEC), Article 24 NYCRR Part 663 regulations for wetlands and the U.S. Army Corps of Engineers Regulatory Program Regulations for Navigable Waterways (33 CFR 320-331).
4. Continue to enforce the Town of Pendleton storm water management study dated March 1991, which include the following. However, none of the following will be done or allowed to be done without proper permits:
  - a) no filling, obstructing, diverting, or otherwise changing or altering the natural artificial flow of waters or drainage or the intensity or quantity of flows, through any stream, ditch, pipe, culvert, watercourse or other improvement of the drainage system;
  - b) no construction, including excavation and backfill where alteration of the natural drainage pattern results;
  - c) no construction, erection or replacement of bridges and culverts on all watercourse ditches, streams or sluices which affect adjoining properties;
  - d) no placing, depositing any debris, fill, sand, stone, or other solid materials or construction of any kind into or across any stream, ditch, culvert, pipe, watercourse, other drainage system; and
  - e) no construction and/or placement of any ditch, pipe, culvert, or artificial watercourse of any kind or nature which shall collect and direct the flow of natural surface waters or drainage or increase in intensity or quantity the flow of surface waters or drainage from paved surfaces, structures, roads or improvements directly into any stream, ditch, culvert, pipe or watercourse or other drainage system.
  - f) do not allow future development near the Tonawanda Creek (Erie Barge Canal) and Bull Creek banks unless it is based on a soils report and designed by a Licensed Professional Engineer. The Niagara County Soil Survey indicates there are a considerable number of areas along Tonawanda and Bull Creeks, which have severe soil conditions, much of which is associated with wetness.

In addition to the Niagara County Soil Survey, more recently published reports such as the Town of Amherst Soils and Residential Foundation Study prepared for the Town of Amherst by the U.S. Army Corps of Engineers in October 2005 should be taken into account when preparing new standards for public and private building construction in the Town of Pendleton.

5. As stipulated in Chapter 6 of this Comprehensive Plan, enforce all of the laws and ordinances of the Town Drainage Policy and Floodplain Local Laws. This would include all laws and ordinances of the new (proposed) drainage district(s) formed for new land development projects in the Town.
6. Identify poor drainage areas throughout the Town, recommend improvements and develop Capital Improvements to be considered as a part of the Implementation Program for the Town.

### **SECTION 3.4 NATURAL DEVELOPMENT CONSTRAINTS IN PENDLETON**

**Floodplain Areas:** The Federal Government's Emergency Management Agency provides floodplain boundary maps for communities throughout Niagara County. Their latest study and maps were prepared in 1981 and 1982. Geographic areas identified as having periodic flooding include areas near Bull Creek, Bull Creek tributary, Tonawanda Creek, Erie Barge Canal, and Mud Creek. The study and maps identify the geographic areas of the Town that are prone to flooding from storms that occur statistically at least once every 10, 50, 100, or 500-year period.

In order for property owners within the flood prone areas to receive federally subsidized flood insurance, the Town passed a local law in 1987, which regulated construction in floodplains.

The law only permits new structures to be located within the floodplains if their floor elevations are raised above the 100-year flood elevations. The basic intent of the law is to minimize public and private economic losses to flood conditions.

**Poor Soil Stability Areas:** The main areas of concern for construction within areas of poor soil stability mainly include areas along both Tonawanda and Bull Creeks. The Niagara County Soil Survey indicates that the majority of soils along Tonawanda Creek in Pendleton consist of the Raynham and Rhinebeck series. Both of these series are characterized by deep, somewhat poorly drained, medium-textured soils. They are level to gently sloping with slopes in the range of 0% to 6%. The seasonal high water table rises to within 1 foot of the surface early in spring and in excessively wet periods.

The survey further indicates that these soils generally have low bearing capacities for building foundations, unstable cut slopes, low permeabilities, and erodible waterways.

A majority of soils along Bull Creek are from the Odessa and Ovid series. These soils, like those along Tonawanda Creek, have seasonable high water tables, low to moderately low bearing capacities, and low permeabilities.

In addition to the Niagara County Soil Survey, more recently published reports such as the Town of Amherst Soils and Residential Foundation Study prepared for the Town of

Amherst by the U.S. Army Corps of Engineers in October 2005 should be taken into account when preparing new standards for public and private building construction in the Town of Pendleton.

**Wetland Areas:** Freshwater wetlands are an important natural resource. They provide valuable fish and wildlife habitat, flood and storm water control, groundwater protection, erosion control, open space, and other benefits.

In 1975, the state passed the Freshwater Wetland Act, which was aimed at preserving and protecting the benefits that wetlands provide. The Act required the New York State Department of Environmental Conservation (NYSDEC) to regulate all wetlands, 12.4 acres in size or larger, and to establish a regulatory permit procedure for controlling the development of wetlands.

Twenty-nine state freshwater wetlands have been identified within the Town of Pendleton. This represents approximately 10% of the Town's land area. The wetlands are distributed throughout the Town, but large areas of the wetlands are found adjacent to the abandoned Conrail railroad, which enters the Town in the southwest and leaves the Town in the northeast. It should be noted that the NYSDEC and the U.S. Fish and Wildlife Service continue a freshwater wetland remapping effort across New York State. To best determine the presence of both Federal and New York State regulated wetlands, the most recent version of the National Wetlands Inventory Maps (<http://wetlandsfws.er.usgs.gov>) should be consulted.

The state's regulations pertain to activities that occur in wetlands and their adjacent areas (within 100 feet of the designated boundary for the wetland). Many agricultural and recreational activities, as well as ongoing activities or maintenance work, are subject to a permit.

Letters of permission are generally required for such activities as installing utilities to a residence or drilling individual water wells. Activities, which require a letter of permission, have been determined to be compatible with freshwater wetlands and not having a significant adverse impact on wetlands or their functions and benefits.

Activities which generally require a permit from the state include: restoring, expanding, or modifying existing structures; drainage (except for agricultural uses); installing docks, piers, or wharfs; constructing bulkheads, dikes, or dams; installation of utilities; and applying pesticides.

New York State Department of Environmental Conservation (NYSDEC) regulates activities adjacent to wetlands through their Article 24, NYCRR Part 663 regulations.

The United States Army Corps of Engineers regulates Regulatory Program Regulations for Navigable Waterways (33CFR Parts 320-331) standards that are applied to wetland areas meeting certain criteria.

Information pertaining to these NYSDEC and U.S. Army Corps of Engineers programs is included in Appendix B of this plan.

## CHAPTER 4

### RESIDENTIAL, COMMERCIAL, LIGHT INDUSTRIAL, AND AGRICULTURAL LAND USE

#### SECTION 4.1 OVERVIEW

This chapter addresses existing and proposed specific land uses that will further support the Town's overall development objectives.

The Town of Pendleton covers approximately 27.8 square miles (17,800 acres) of land. Regionally, the Town is situated on the southern border of Niagara County, midway between the urban areas of Lockport and North Tonawanda and within 15 miles of both Buffalo and Niagara Falls. In addition, the Town of Amherst is located directly to the south in Erie County.

#### Existing Residential Land Use

Residential zoning occupies more than half of the total land in the Town. Approximately 16,247 acres are zoned residential, of which the largest residential use is single family. Single-family homes are commonly found throughout the Town, generally located near major collector streets. The single-family land acreage is presently increasing and the vacant amount of land is decreasing with the ongoing construction of new homes on vacant land that owners/developers have subdivided. The following is a summary of the 620 new homes (building lots) that are in the various stages of planning and construction here in the Town of Pendleton as of January 1, 2008:

#### LAND SUBDIVISIONS IN PENDLETON

Subdivision Name/Phase	Proposed # Residential Lots	Planning/Development Stage (see note #1) *
Bear Ridge Estates	88	Construction - Phase I
Hidden Oaks	20	Proposed
Meadows	103	Construction - Phase I
Mapleton Ponds	280	Sketch Plan
Heitzenrater	92	Sketch Plan
Old Orchard	35	Constructed/Road Dedication
Minor Subdivisions (pending) **	2	
Total proposed res. lots =	620	

\* Note 1: Planning Development Stage Key:

- |                  |  |
|------------------|--|
| Proposed         | - Developer initial meeting with Planning Board                                    |
| Sketch Plan      | - Town receives Acceptable Sketch Plan   |
| Preliminary Plat | - Preliminary Plat approved (SEQR addressed)                                       |
| Final Plat       | - Final Plat approved  |
| Construction     | - Public Improvement Plans accepted and bonds posted so construction can progress. |

\*\* Note 2: Minor Subdivision number of those pending January 2008.

### Existing Commercial Land Use

Within the Town of Pendleton, approximately 782 acres of land are zoned for commercial use. Commercial facilities are concentrated along Transit Road and along Campbell Boulevard near Pendleton Center. These commercial facilities consist of businesses such as car dealers, automotive repair shops, snack bars, etc. A major portion of the commercially zoned land is presently being utilized. See Appendix C for a more detailed listing of facilities allowed in a commercially zoned area.

### Existing Light Industrial Land Use

A total of approximately 771 acres of land is zoned for light industrial and special light industrial. Only a small portion of this zoned land is presently utilized for industrial activities. See Appendix C for a more detailed listing of facilities allowed in a light industrial zoned area.

### Existing Agricultural Land Use

Agricultural activities do not have their own zoning classification in the Town of Pendleton. Under the Town's zoning ordinance, agricultural is allowed in all zoning districts. Approximately 4,868 acres of Town lands are actively farmed. In the Town of Pendleton, there are 222 parcels that are in an Agricultural District as stated by the NYS Cornell Cooperative Extension, and 4,868 acres get an Agricultural Exemption for farming per the Town Assessor's office and the NYS Department of Agriculture and Markets.

## **SECTION 4.2 OBJECTIVES**

### OBJECTIVE NO. 1

Continue to provide a high quality environment for single-family homes and provide locations for multi-family housing where this can effectively be integrated into the Town's overall land use development plan. Consideration should be given to creating new zoning districts to enhance this high quality environment and help the Town effectively maintain open space and a rural environment.

### OBJECTIVE NO. 2

Encourage extending the light industrial development in appropriate areas that are adjacent to existing light industrial areas. To maintain open space in the Town, and prevent incompatible intrusions into the residential areas, adequate buffer areas should be a part of new light industrial development.

### OBJECTIVE NO. 3

Encourage extending the commercial districts in appropriate areas of the Town that are adjacent to such districts for neighborhood commercial and business activities. Some light commercial activity should be encouraged to

expand in various areas of the Town in which residents can have easy access. This would include such convenience services as stores, salons, day care centers, etc.

#### OBJECTIVE NO. 4

To protect existing and encourage more agricultural activities in the Town. Agriculture is a major Town industry and aids in maintaining the openness and rural imagery of the Town.

#### OBJECTIVE NO. 5

To encourage a balanced tax base including commercial and industrial land uses where there are adequate transportation facilities and the ability to provide adequate buffering to adjacent residential areas.

Presently, most of the commercial and light industrial activity in the Town is located along or near the major thoroughfares of Transit Road, Campbell Boulevard, Lockport Road and Robinson Road. These major arteries provide adequate transportation facilities for further future development near and along these roads.

At the present time, the current Commercial and Industrial Zoning is limited to a specified distance (200 to 500 feet) from the front property line on these major thoroughfares. The Town has had deeper, narrow lots being subdivided over the years and has shown a concern with future land use due to these deeper lots, as pointed out in the 1966 Town Master Plan.

The Town should consider expanding these back limits for Commercial and Industrial Zoned areas on these major thoroughfares to at least the back property limits of these lots for future development. Consideration should also be given to proposals, on a case specific basis, to extend the Town infrastructure into these deeper lots to allow for future Industrial and Commercial development.

As part of promoting the relaxation and recreation theme for business development in the Town of Pendleton, consideration should be given to extending the light and medium commercial zoning along the multi-use trail systems in the Town. Any potential extension of a Zoning District should be considered on a case-specific basis and be in harmony with the existing adjacent land uses.

#### OBJECTIVE NO. 6

Encourage getting the Town its own zip code in hopes to establish more desirable businesses.

### **SECTION 4.3 POLICIES AND GOALS IMPLEMENTATION**

1. Effectively maintain the present density standard for new single-family homes in order to maintain the openness and attractiveness of the residential areas. One way to promote this would be to create a district that sets the minimum lot size at 2 acres and includes increases to minimum setback requirements for new single-family home and accessory building construction.
2. Give due consideration to creating a new type of zoning district that would better suit the tax base in the Town of Pendleton, and may be in contrast to the conventional zoning codes we have today.
3. Give due consideration for creation of a new type of zoning district for multi-family housing as deemed appropriate. Consideration should be given to creation of a new zoning district for multi-family housing as deemed appropriate.
4. Maintain the existing industrial zoning and expand the light industrial zoning where there is a demand, adequate traffic access and buffering capability to adjoining uses. Look to extend an industrial zone on a lot where only the front portion is zoned industrial and a use is proposed that is deemed appropriate for that lot and is compatible with the adjoining uses in that area. The establishment of more light industrial activities can help to create a more stable/balanced tax base.
5. Allow commercial activities where they do not create significant negative impacts on surrounding land uses. Maintain the existing commercial zoning and expand this zoning where there is a demand, adequate traffic access and buffering capability to adjoining uses. Look to extend a commercial zone on a lot where only the front portion is zoned industrial and a use is proposed that is deemed appropriate for that lot and is compatible with the adjoining uses in that area. The establishment of more commercial activities can help to create a more stable/balanced tax base.
6. Support existing agriculture in the Town, as agriculture is a significant Town industry. The Niagara County Soil Survey indicates that most of the northern and central portions of the Town have a high suitability for agriculture (with proper drainage) that coincides with the northern and central agricultural district areas.

To the best practical extent, the Town should encourage agricultural activities and minimize construction of new home subdivisions or sewer district extensions within the existing agricultural district, as defined by the NYS Department of Agriculture and Markets.

7. Maintain existing Special Light Industrial zoning areas within the Town and include trailer parks and manufactured homes as acceptable usages within this zoning classification. Consider expansion for Light Industrial Uses when deemed appropriate.
8. Encourage the creation of a historic district, and/or adoption of construction standards in certain central areas to promote the Town's history. Consideration should be given to the business development theme promoted by the Town when developing these standards.
9. The Town should consider setting limits on the number of building permits issued each year for new residential home construction, if deemed appropriate as a short term method for controlling residential growth in the Town. Consideration should be given to the data in Appendix A of this Comprehensive Plan and any update to this data, which reflects the population projections and new dwelling building permit history when setting a standard such as this.  
  
Care should be exercised when and if the Town decides to adopt such a limit to ensure that the purpose of such a limit is justifiable, and that implementation is performed in a way to ensure they develop standards to issue these permits that are fair and not arbitrary and capricious.
10. When deemed appropriate, modify the Town-zoning ordinance taking into consideration the recommendations found in this Chapter of the Town Comprehensive Plan.

#### **SECTION 4.4 LAND USE IN THE TOWN OF PENDLETON**

1. The following are specific areas of Light Industrial Zoning in the Town of Pendleton:
  - a) In the eastern section of the Town there are light industrial areas along Donner Road to the Transit Road intersection, and on Dunnigan Road west of the Commercial Zoning on Transit Road.
  - b) Light Industrial Area at Pivot Punch on Campbell Blvd.
  - c) Light Industrial area along Killian Road east of Town Line Road and west of Bear Ridge Road.
  - d) Special Light Industrial area on Lockport Road, starting approximately 900 feet west of the Erie Canal, extending further west approximately 5,500 feet to the west.

2. Commercial activities: The following are specific areas of Commercial Zoning in the Town of Pendleton:
  - a) In the eastern section of the Town, Medium Commercial Zoning can be found along the entire length of Transit Road, with the exception of properties on the corner of Donner Road, and at the Veterinary Clinic on Robinson Road.
  - b) A Medium Commercial Zone on Lockport Road extending and approximately 7,500 feet westward from the Special Light Industrial Zone which is located approximately 6,400 feet west of the Erie Canal.
  - c) Light Commercial Zones can be found on Mapleton Road at the corner of Campbell Blvd. and from the corner of Aiken and Mapleton Roads eastward approximately 3,000 feet to the abandoned Hooker Chemical Corp. line (the Peanut Line).
  - d) A Light Commercial Zone approximately 5,000 feet long passing through 5 Corners on Campbell Blvd. measuring about 2,000 feet north and 3,000 feet south of that intersection.
  - e) Light Commercial Zoning also exists in two other sections on Campbell Blvd. extending from the corner of Oakwood Drive approximately 2,000 feet north, and along Campbell Blvd. as measured approximately 2,800 feet north as measured from the southern boundary of the Town at the County line.
  - f) In the southern section of the Town along Tonawanda Creek Road east of the Erie Canal, a Medium Commercial Zone exists that extends from the Erie Canal eastward to the Washington Street/East Canal Road intersection.
3. Agricultural activities: Support existing agriculture in the Town, as agriculture is a significant Town industry. The Niagara County Soil Survey indicates that most of the northern and central portions of the Town have a high suitability for agriculture (with proper drainage) which coincides with the northern and central agricultural district areas.
4. Recommended land use changes for the Town of Pendleton: To guide the future growth of the Town of Pendleton, it is recommended that steps be taken to encourage the most appropriate land use in the Town that is consistent with the Objectives and Goals/Policies stated in this Chapter. Specifically, the following areas should be considered for future growth in the Commercial and Light Industrial Zoning, as well as establishment of a residential zoning for multi-family (senior housing) and Planned Unit Developments (PUD). All

proposed changes listed below should be considered on a site-specific (case specific) basis:

- a) Extending the Light Commercial Zone along Campbell Blvd. south of Oakwood Drive to connect with the Commercial Zoning that extends from the southern boundary of the Town. Proposals to extend the commercially zoned district should be evaluated on a case-specific basis to ensure it is in harmony with the existing uses in that same area.
- b) Extending the Medium Commercial Zoning along Robinson Road between the Erie Canal and Transit Road. Proposals to extend the commercially zoned district should be evaluated on a case-specific basis to ensure it is in harmony with the existing uses in that same area.
- c) Extending the Medium Commercial and/or the Light Industrial Zoning between Robinson, Donner, Fisk and Transit Roads when an acceptable land use management plan is developed for that area.
- d) Extending the Light Industrial Zoning District on Killian Road, westward to the Town boundary to match up with the Town of Wheatfield commercial/light industrial development area.
- e) Consideration should be given to creating light commercial zoning on lots that are along state and county roadways in areas where the roadways run parallel to, or intersect a crossing for a multi-use trail. Such changes should be in harmony with the existing uses in that area.
- f) Consideration should be made for providing housing for retired individuals, senior citizens, or graduated care housing as a use by right or special exception in another existing non-residential zoning district or a new type of zoning district.

The alternatives and specific development criteria were written to guide changes in the Town which could promote the most prudent choices for future physical development. The Town has and will continue to encourage updates to the land use regulations to address changes over time that are in the Town's best interest through the addition of new ordinances and modification of existing ones. As deemed appropriate, the Planning Board will review Town Ordinance and Zoning Regulations and make recommendations for changes to be considered by the Town Board.

## CHAPTER 5

### TRANSPORTATION/TRAFFIC

#### SECTION 5.1 OVERVIEW

The transportation system serves as the framework around which a community grows. An important objective of community planning is to provide an efficient transportation system designed to serve the present and future needs of the community. The adequacy of the system has influenced and will continue to influence, development within the Town of Pendleton. The transportation system determines the accessibility of the Town to other areas and the efficiency of internal traffic, both of which are important factors in meeting future development potential. With close coordination between the Town, the county, the region, and the state, transportation planning will ensure the future effectiveness of the total transportation system.

Each new dwelling unit adds demand to the Pendleton road/transportation system. While scattered development has less impact on residential collector roads, it has an impact equal to that of subdivisions when the traffic from these homes reaches the minor and major arterials.

In order to realize the goals established in this Comprehensive Plan, the Town of Pendleton must have a transportation system compatible with the land use and development policies set forth in this document. As the Town experiences further growth, the demands placed upon the transportation system will increase. Since the private automobile will continue to be the primary means of transportation in the Town in the foreseeable future, the highway network must be capable of providing efficient and safe travel and access within and through the Town. Travel by other means, such as use of the mass transit system and recreational transportation activities on the multi-use trail routes, must be encouraged as a part of the future growth here in Pendleton.

#### **Existing System**

Responsibility for highways within the Town of Pendleton is shared by the Town Highway Department, Niagara County Highway Department, and New York State Department of Transportation. Of the Town road system, 7.9 miles are state highways, 34.7 miles are county roads, and approximately 25.37 miles are Town roads. The entire road system amounts to approximately 68 miles. The road system presently exists as listed on Table 5-1.

It should be noted that the state and county roads are primarily continuous or through routes, while the Town roads are generally shorter routes connecting the continuous routes and providing access to the areas between the through routes. In addition, more Town roads are being, and will continue to be, constructed with ongoing and proposed subdivision construction.

**TABLE 5-1**

**INVENTORY OF TOWN OF PENDLETON ROADWAYS**

**State Highways**

Campbell Blvd. (State Route 270)  
 Transit Road (State Route 78)

**County Roads**

Beach Ridge Road  
 Bear Ridge Road  
 Congress Street  
 East Canal Road  
 Fiegle Road  
 Lockport Road  
 Mapleton Road (West of Campbell Blvd.)  
 Robinson Road  
 North Tonawanda Creek Road  
 Town Line Road (South of Beach Ridge Rd.)

**Private**

**Miles**

Alexander Parkway .21

**Town Roads**

**Miles**

Aiken Road	2.74
Arrowhead Drive	.27
Cloverleaf Lane	.20
Colony Court	.08
Cortland Drive	.44
Creekbend Drive	.31
Creekview Drive	.64
Donner Road	1.67
Dunnigan Road	2.00
Edgewater Circle	.41
Fisk Road	1.99
George Town Court	.08
Hidden Oak Drive	.23
Hopi Court	.09
Irish Road	1.27
Iroquois Drive	.28
Killian Road	1.57
Kriston Lane	.32
Lakeview Court	.19

Lauren Street	.07
Main Road	.76
Mapleton Road (east of Campbell Blvd.)	1.58
Marie Court	.13
McIntosh Lane	.25
Meadow Lane	.18
Meadowbrook	.21
Meyer Road	1.35
Monroe Street	.16
Oakwood Drive	1.87
Paddock Ridge	.25
Pendale Circle	.62
Pendale Court	.11
Pendale Drive	.42
Ridgeview South	.41
Ridgeview West	.28
Royal Court	.09
Seneca Court	.08
Sheetram Road	.81
Terri Lane	.11
Tonawanda Creek (Old)	.48
Town Line Road (north of Beach Ridge Rd.)	1.66
Washington Street	.11
West Canal Road	.24

\* More Town roads will continue to be built based on different phases of ongoing and proposed subdivision work within the Town.

**Railroads**

There are presently no railroad services available in the Town.

**Buses**

Aside from the Niagara Frontier Transportation Authority's Metro Lockport bus on Transit Road and the Express Route from Lockport passing Pendleton along Transit Road to Buffalo, there are no bus transportation facilities presently available in the Town.

There is possible private shuttle transportation services not documented at this time.

**Air Transport**

Air transport is provided on a regional basis. The Buffalo - Niagara International Airport (approximately 12 miles south of the Town) is a major airlines terminal. Also, the Niagara Falls International Airport is located in the adjacent Town of Wheatfield.

Many smaller airports are distributed throughout the Western New York region. These facilities are generally used for light operations. One such facility in the Town of Pendleton is the North Buffalo Suburban Airport located along Transit Road. This facility is mainly for public use, but can be used as an emergency landing strip for commercial traffic. In addition, two private airstrips are located in the Town primarily serving individual owners.

### **Multi-use Trail Routes**

Old railroad right-of-ways (0.8 miles finished between Meyer Road and Campbell Blvd.)

### **Traffic Study**

The Niagara Frontier Transportation Committee (NFTC) completed a Pendleton Traffic Study dated June, 1992. To date, the population demographic data has been updated by the Greater Buffalo Niagara Transportation Committee (GBNRTC), formerly the NFTC, to project population growth through the year 2015. Both the Pendleton Traffic Study and GBNRTC population demographic data are available for public review at the Town Hall. The primary purpose of the NFTC Traffic Study and the GBNRTC data is to:

1. Identify current speed and safety problems or deficiencies within the Town.
2. Identify probable future changes in travel due to normal growth within the Town of Pendleton and surrounding Towns.
3. Identify expected impacts on traffic due to proposed new developments or new facilities within or near Pendleton.
4. Identify possible resolutions of traffic problems based on findings of the above concerns.

At the present time, the study conclusions do not affect the policies outlined in this Comprehensive Plan.

### **Lockport Expressway - Lockport Bypass**

The Lockport Expressway (Interstate 990) presently extends north from the Interstate 290 in Amherst to the intersection with Millersport Highway, approximately 3.5 miles south of the County/Town line along Transit Road. The Lockport Bypass expressway extends between the City of Lockport and Robinson Road along the northern border of the Town of Pendleton.

The Niagara Frontier Transportation Committee (NFTC) completed the Lockport Corridor Preservation Study (NFTC Corridor Study) in May, 1998.

The NFTC Corridor Study final recommendations did cite the Town of Pendleton Planning Board July 16, 1996 meeting minutes opposing the study recommendations and the August 6, 1996 Pendleton Town Board resolution stating opposition to the Phase 2: Corridor Preservation and Acquisition, as well as, the Phase 3: Designation of Corridor Extension recommendations found in the NFTC Study (part of the Progress Report #7 recommendation). In addition, a second resolution from that same 8/6/96 Town Board meeting recommended tabling any action on Phase 1: Traffic and Land Use Management, as recommended by the NFTC Corridor Study (Progress Report #7 recommendation) until further study was completed.

Based on the August 6, 1996 Town Board action, the Town of Pendleton should only consider the NFTC Corridor Study recommendations at a time when the Phase I Traffic and Land Use Management Plan study recommendation is completed and deemed acceptable to the Town.

## **SECTION 5.2 OBJECTIVES**

### **OBJECTIVE NO. 1**

To maintain a safe, adequate and convenient-to-use automobile transportation system.

### **OBJECTIVE NO. 2**

To discourage excess automobile usage on residential collector streets.

### **OBJECTIVE NO. 3**

To provide and extend, where appropriate and economically feasible, multi-use trail routes for pedestrian, bicycle, equestrian and other such recreational and transportation needs and/or activities.

### **OBJECTIVE NO. 4**

To reduce the number of traffic ingress and egress points for major arterials and major collector streets in order to reduce the potential for traffic accidents and improve roadway traffic capacity.

### **OBJECTIVE NO. 5**

Encourage the need to extend the NFTA Mass Transit System along other state highways such as Campbell Blvd.

## **SECTION 5.3 POLICIES AND GOALS IMPLEMENTATION**

1. Maintain an adequate automobile transportation system. As new major land subdivision and commercial site plan development occurs, the following should be required:

- a) Traffic studies should be implemented to determine the impacts each new development will have on the existing roadway system.
  - b) Limited access should be provided from collector streets onto a major thoroughfare such as Tonawanda Creek Road North. As required by the Town Code, a minimum distance of 500 feet should be provided between subdivision development accesses along this road to relieve congestion problems and to minimize potential accident locations. In addition, new subdivisions should be required to maintain right-of-way locations to adjacent subdivisions for joint usage of accesses.
2. Work to improve road safety conditions when needed. Consideration should be given to the report published by the Niagara Frontier Transportation Committee entitled "Pendleton Traffic Study: Disposition of Study Findings" dated June, 1992. This could include, but not necessarily be limited to, the following:
    - a) Installation of roadside signs and other signals for traffic control and warning signs when deemed appropriate.
    - b) The Town should evaluate the need for widening heavily traveled roads for improvement of traffic safety.
    - c) Evaluate the need to adjust speed limits.
  3. Provide and extend multi-use trails where deemed appropriate and economically feasible for pedestrian, bicycle, equestrian, and other recreation/transportation needs and activities. Consideration should be given to recommendations pointed out in the Niagara Frontier Bicycle Master Plan for Erie and Niagara Counties as published by the Niagara Frontier Transportation Committee dated March, 1998.
  4. The Town should consider increasing its traffic engineering and analysis capabilities to implement short-range solutions and mitigate adverse traffic impacts from development (subdivision) projects.
  5. Request that the county carry out a study of traffic needs for Tonawanda Creek Road, Bear Ridge Road, Fiegle Road, and Lockport/Robinson Road, since the Pendleton Traffic Study (June, 1992) has suggested these roads are being used as a main link between Lockport and the suburban Buffalo area.
  6. Based on the growth of the Town of Pendleton and surrounding communities, the Town may consider the construction of a new thoroughfare through the Town in a west-east direction. The purpose of this new road would be to reduce congestion along collector streets and allow for a smoother traffic flow through the Town. Only when major increases in traffic occur, should a new road be

considered for construction.

7. Provide for modifying and regrading of roadway ditches when needed.

## CHAPTER 6

### TOWN UTILITIES/DRAINAGE

#### SECTION 6.1 OVERVIEW

##### Existing Sanitary Sewer System

The Town of Pendleton presently contains four (4) sewer improvement areas with various extensions. Each of these areas discharge into the Niagara County Sewer District No. 1.

Not every household within these sewer improvement areas has sanitary sewer service. Households, which do not have public sanitary sewer service presently, have on-site systems containing septic tanks, distribution boxes, and leach fields.

Areas in which households do not contain public sanitary sewer service include areas adjacent to Mapleton Road, Donner Road, and portions of the following roads: Aiken Road (section starting about 8 lots on west side south of Mapleton to Beach Ridge Road), Beach Ridge Road (north of Meyer Road); Fiegle Road; Dunnigan Road; Fisk Road; Sheetram Road; Bear Ridge Road (north of Irish Road); Main Road; Campbell Boulevard (north of Fiegle Road); Tonawanda Creek Road North; Creekview Drive (north of Georgetown Court); Lockport Road; Robinson Road; and East Canal Road.

##### Existing Water System

The Town of Pendleton is presently served by the Niagara County Water District. Water is treated at the Williams Road Water Treatment Plant in the Town of Wheatfield. The district has a distribution system that supplies potable water to the Town. In the Town, the Pendleton Water District is responsible for distributing supplied water to each individual household, business, industry, etc. and maintaining the integrity of the system. The Town's water system includes an existing 500,000-gallon elevated water storage tank near the Town Hall. In 2003, the Town had an average flow of 499,356.16 gallons per day and 467,536.98 gallons per day in 2004.

The availability of water, like sanitary sewers, is a determining factor where development will occur. As such, the extent of this service should be consistent with the desirable development pattern recommended in the land use plan.

Presently, almost all portions of the Town have public water available. [A section along Lockport Road between Aiken Road and Bear Ridge Road is not served by public water. This section of land is predominantly agricultural.]

## Existing Drainage System

The existing storm drainage system in the Town is comprised of natural streams, creeks, drainage ditches, roadside ditches and various culverts. The Town drains to five (5) major watersheds, which ultimately drain into Tonawanda Creek or the Erie Barge Canal. Due in part to the relatively mild slopes evident throughout the Town, the Town has experienced flooding and poor drainage conditions during heavy rainfalls and rapid thaws, situations that are typical in the early spring seasons. In addition, stream channels may become inundated with ice and/or snow at times, thereby stressing the already inadequate drainage system.

The Town of Pendleton has had a Storm Water Study and comprehensive Storm Water Management Study developed to identify deficiencies in the existing storm water facilities and recommend improvements to correct these deficiencies.

The Town of Pendleton Storm Water Management Study was completed by R & D Engineering in March 1991. The goals and objectives of this study were to:

1. Identify deficiencies in the existing storm water facilities.
2. Develop a course of action and priorities for the recommended improvements.
3. Assess associated costs for the proposed improvements and the formation of a town wide drainage district.

The study defines the peak discharges and drainage structures' capacities for each watershed in Town, as well as, problem areas and recommended improvements. These should be reviewed for consideration whenever changes are proposed which could impact storm water drainage.

## **SECTION 6.2 OBJECTIVES**

### OBJECTIVE NO. 1

To provide public water supply where there is a demand and it is economically feasible.

### OBJECTIVE NO. 2

To provide public wastewater service where there is a demand, economic feasibility and need based on proven health hazards.

### OBJECTIVE NO. 3

To encourage development only where public water and wastewater supplies are already available.

#### OBJECTIVE NO. 4

To provide an adequate drainage system.

### SECTION 6.3 POLICIES/IMPLEMENTATION

1. Continue to enforce the Town Sewer Use Ordinance and Plumbing Code.
2. Provide public wastewater facilities where requested by property owners and favored by the NYSDEC or the New York State Health Department. Presently, the proposed sewer interceptor extension of the Niagara County Sewer District No. 1 is in planning. While the proposed interceptor extension will provide better sewer accessibility to some portions of the Town, other portions of the Town will exist without public sewer service.
  - a) Carry out wastewater engineering/economic feasibility studies where this has been requested by the property owners and it appears favorable by the NYSDEC or NYSDOH. In addition, the study should investigate all available wastewater technologies to determine the most cost-efficient option. Implement the wastewater service, if favored by a majority of the property owners, per the appropriate New York State laws, rules and procedures.
  - b) The Town should continue to define those areas that will need public wastewater treatment and the preferred plan for servicing those areas. This plan will specify, for planning purposes, those areas that will not receive public wastewater service for many years to come, based on need, economic viability and potential for commercial development. This could include Donner Road, Fisk Road, and the Robinson Road area, especially if the Lockport Expressway extension is pursued. Consideration should also be given to sewer line extensions for commercial development on Lockport Road (west of Campbell Blvd.) and Campbell Blvd. (north of the 5 corners intersection).
  - c) **Sewer District Extension outside of mapped County Sewer District:** Any new land development project that is proposed for areas adjacent to existing sewer districts that does plan to use that existing sewer system, may only do so if the existing system has the additional capacity to service that new development. The proposed new land development would have to pay for any upgrade to the existing system in the public right-of-way to accommodate their upgrade. A pressurized sewer line upgrade would require replacement with installation of a gravity line system.
  - d) **Sewer Pump Stations in new Land Development Projects:** Any new sewer line extension project which requires installation of a sewer pump station must provide the Town with a way to minimize an interruption of

service during any power failure. This could require installation of a self-propelling generator adjacent to the pump station or provide funding for a portable generator. Any new pump station must meet the specification requirements of the Town of Pendleton. The means chosen to provide the uninterrupted service must meet the Town specifications and be approved.

3. Continue to enforce the laws of the Pendleton Water District No. 1.
4. Consider the installation of future water lines where deemed appropriate and where demanded. This will enable future commercial development along this stretch of road to have more cost-efficient access to public water. Encourage water main extensions that would aid in looping the existing water system and discourage dead end waterlines.
5. Continue to enforce the Town Drainage Policy and Flood Plain Local Law for all new development.
6. Enforce all of the laws and the ordinances of the new (proposed) drainage district(s). The Town should look to have new drainage districts created for any new land development projects proposed. The cost and effort needed to create such districts should be borne by the owner of said land and should be required as a part of the planning process before final approval is granted.

## CHAPTER 7

### RECREATION

#### SECTION 7.1 OVERVIEW

Overall, the Town of Pendleton offers a variety of facilities and programs for citizens of all ages. These programs are provided with the cooperation of the schools and volunteer organizations.

- *Town Owned Facilities:* Pendleton Town Park, James E. Depeau Park, Nine Mile Island, multipurpose recreational trails, and 28 acres of undeveloped land that fronts on Fiegle Road east of Campbell Blvd. (92 acres of undeveloped land fronting Beach Ridge Road).
- *Facilities Owned and Provided by Other Entities:* Starpoint Central School, Niagara County West Canal Marina, South Transit Lanes, Eagle Crest Golf Center, Tan Tara Golf Club, Urban Sports Park, Wendelville Fire Company, and Good Shepherd Church.
- *Programs:* Summer Recreation, Family Swim, Baseball, Football, Cheerleading, Wrestling, Soccer, Tennis, Basketball, Senior Groups and Outdoor Education.

While the quality of the Town's recreational facilities and services are generally good, some issues will need to be addressed if the quality is to be maintained and improved. These issues include:

- *Effects of population growth:* The projected population growth for the Town will increase demand on facilities and programs. The current programs and facilities will have to be improved and new ones developed.
- *Cost implications:* As the Town grows, the cost of constructing and operating facilities and programs will impact the Town's fiscal situation.

The Erie Canal traversing through the Town of Pendleton is an important and significant cultural and recreational resource which has received federal and state heritage designations:

- In 2000, the Erie Canalway National Heritage Corridor was established by legislation passed by the United States Congress. It is one of only 37 congressionally designated National Heritage Areas. This federal program's goals are to preserve and interpret New York's historic canal system and the communities along its banks.
- The Western Erie Canal Heritage Corridor was established by legislation passed

by the New York State Legislature in 1999 and is part of the New York State Heritage Area System. It consists of the counties of Wayne, Monroe, Orleans, Niagara and Erie and all the municipalities therein, along with a 136-mile section of the canal.

The Town strives to provide outdoor recreation opportunities and conserve and interpret natural, cultural, and historic resources for the use, enjoyment, and welfare of the community. The Town, recognizing the unique opportunity of being a “canal community” seeks to engage in strategic initiatives to offer more opportunities to visit and enjoy the Canal Corridor and to promote public access to the waterfront.

## **SECTION 7.2        OBJECTIVES**

### **OBJECTIVE NO. 1**

To continue to meet the recreational needs of all segments of the Town's population with the exception of specialized, commercial recreational facilities.

### **OBJECTIVE NO. 2**

To continue to provide these quality facilities and services without creating excessive capital and maintenance costs that significantly impact Town taxes.

### **OBJECTIVE NO. 3**

The Town's recreation facilities and programming must respond to shifting social/demographic needs.

### **OBJECTIVE NO. 4**

Provide community facilities, in conjunction with schools and private organizations that meet the needs of the residents in a cost-effective manner.

### **OBJECTIVE NO. 5**

Enhance the role of public facilities as centers of community activity.

### **OBJECTIVE NO. 6**

As a priority, find ways to integrate multi-use trails into the future physical development of the Town.

### **OBJECTIVE NO. 7**

Seek opportunities to access, experience and connect to the Erie Canal including development of scenic overlooks, water access sites, water-based trails, parks, and recreational trails.

### **OBJECTIVE NO. 8**

Promote land and water based trail linkages within areas along the Canal

Corridor and to other areas of significance within the Niagara and Western New York regions such as Niagara River Greenway and the Niagara Wine Trail and Erie Canalway Trail.

### **SECTION 7.3            POLICIES AND GOALS IMPLEMENTATION**

1. Meet the general recreational needs of the Pendleton population.
  - a) Provide community facilities, in conjunction with schools and private organizations that meet the needs of the Town residents in a cost-effective manner. Define and maintain an accounting of the Town Recreation Facilities and Programs.
  - b) Continue to require developers to pay a recreational impact fee or set aside land for open space for each new dwelling unit. Periodically review the monetary contribution presently required to ensure that it is adequate.
  - c) Efforts should be made to increase the usage at all recreational facilities through promoting multi-use and multi-seasonal activities.
  
2. Provide cost-effective recreational facilities.
  - a) Authorize monitoring of the existing use of the Town's recreational facilities in order to ensure that they are being adequately used and that excessive unneeded facilities are not constructed in the future.
  - b) In order to cost-effectively meet the Town's needs, including maintaining relatively low operation and maintenance costs; preserve the existing primary parks which serve the general public instead of promoting the formation of additional "neighborhood parks". Neighborhood parks generally require higher costs per person served due to maintenance and policing requirements.
  - c) If at some future time, a property owner (developer) or group of property owners wants to develop land in a specific neighborhood such as a park, the Town should consider it and look at possible funding mechanisms outside of the general Town tax. Examples of other funding means could be charging a user fee, or creation of a special district to fund maintenance and recreational activities at a neighborhood park.
  
3. Consider extending and improving the multipurpose recreational trail on the old Erie-Lackawanna Railroad right-of-way through the Town. Consider the potential connection of existing and future parks along this trail. Consider developing a system of trails and pathways to interconnect parks and recreation areas, wetlands and open spaces with adjacent communities.

4. The Town should establish ongoing dialogue with adjacent communities on opportunities for intermunicipal recreational programming and facility use.
5. The Town Board should work with, or designate the appropriate authority to work with the Recreation Committee to develop a priority list for recreational expenditures.
6. Foster the enhancement of waterfront areas and connections to the waterfront including projects which improve visual and physical access, reinforces community identity, supports interpretive and heritage development, promotes cultural enrichment and makes beneficial use of a coastal location.

**SECTION 7.4                    EXISTING PUBLIC RECREATION FACILITIES, PUBLIC RECREATION PROGRAMS, PRIVATE RECREATION FACILITIES AND FUTURE RECREATION PLANNING IN THE TOWN OF PENDLETON**

1. Existing Facilities: The following is a list with brief descriptions of the public parks available for use in the Town of Pendleton.
  - a) Pendleton Town Park is the main park, consisting of approximately 22 acres, located off Campbell Blvd., surrounding the Pendleton Town Hall. The park has 7 baseball diamonds, 2 batting cages, 3 tennis courts, 1 basketball court, 2 volleyball sand courts, playground and fitness equipment, 4 covered pavilions with picnic tables, barbecues and electricity. The park also has permanent restroom facilities.
  - b) Depeau Park consists of approximately 1 acre, located at the corner of Oakwood Drive and Tonawanda Creek Road. The park consists of 3 tennis courts, some playground equipment and a rollerblading court for roller hockey. The park has no restroom facilities.
  - c) Nine Mile Island Nature Preserve is approximately 31 acres of land, acquired by the Town of Pendleton in 2002 from the New York State Canal Corporation. It is currently under lease to the "9-Mile Island Youth Association" and is used by Scout troops and other youth groups who have campsites on the island. There are nature trails and restroom facilities which are open to the public and maintained by the "9-Mile Island Youth Association". Use of campsites must be scheduled through the "9-Mile Island Youth Association". Access to the island is currently available from the Town of Amherst. A secondary access road from the Town of Pendleton is under review.
  - d) West Canal Marina Park is owned and operated by Niagara County and is located in Pendleton on Tonawanda Creek Road at Townline Road. It has

- 6 picnic shelters with picnic tables, 3 boat ramps and docks.
- e) Wendelville Fire Company Athletic Fields and Good Shepherd Church soccer fields are used on a regular basis as a part of the Town and other recreation programs.
  - f) Starpoint School, with its athletic fields and facilities, has been the location of the Summer Recreation program for the Town of Pendleton.
  - g) Multipurpose Recreational Trails in the Town of Pendleton consist of:
    - a paved trail along the old Erie-Lackawanna railroad bed from Campbell Blvd. to Meyer Road. This trail is also used for snowmobiling in the winter.
    - the Canalway Trail along East Canal Road which is currently being developed.
  - h) A Proposed Town Park Area of approximately 28 acres of undeveloped land is located on Fiegle Road east of Campbell Blvd.
2. Town Recreation Activities: The following is a summary of the activities that the Town Recreation Committee currently administers.
- a) Summer Recreation is a 6-week program run in July and August. The program includes a swim program, arts and crafts, playground activities, and field trips.
  - b) Baseball, Softball, and Challenger Baseball are run by Pendleton Youth Baseball.
  - c) Soccer is divided into recreational and competitive leagues. The Pendleton Lockport Youth Soccer Association (PLYSA) runs the Soccer program.
  - d) Football, Cheerleading and Wrestling are organized and run by the Pendleton Athletic Boosters Association (PABA).
  - e) Girls and Boys Basketball runs from December through February and is held in Starpoint Central's gyms.
  - f) Family Swim runs from January to March, is held at the Starpoint Central School and is open to all residents.
3. Private Recreation Facilities Open to the Public: The following is a list of private recreation facilities in and adjacent to the Town of Pendleton.

- a) Sports Park on Transit Road has facilities for baseball and volleyball. In addition, they have car shows and some concerts during the summer months. Victory Christian Academy currently has their Church Sanctuary in the banquet hall and paintball activities outside the facility.
  - b) Golf courses are available in communities that surround the Town of Pendleton. In addition, we do have Tan Tara, which is a private club, on Tonawanda Creek Road N. in Pendleton.
  - c) South Transit Lanes provides bowling facilities in the Town of Pendleton on Transit Road.
  - d) The Tonawanda Sportsman's Club provides memberships for individuals and families to participate in shooting sports and wildlife conservation activities.
4. Future Recreation Facilities and Needs:
- a) Approximately 28 acres of land on Fiegle Road east of Campbell Blvd. was purchased by the Town in order to develop more recreation facilities in the Town of Pendleton.
  - b) Multipurpose Recreational Trails consisting of an extension to the Erie Canal Trail as proposed by the New York State Department of Transportation (NYSDOT). This extension would provide a multipurpose recreational trail from the point where the Erie Canal converges with Tonawanda Creek along the Erie Canal through the Town of Pendleton to Lockport. This proposed extension, and others, are consistent with recommendations made in the Erie Canal Economic Development Strategy Final Report published on June 17, 1994 for Erie and Niagara Counties.
  - c) Recreation Impact Fee and other means of funding future recreation facilities are currently governed by the New York State General Municipal Law which allows the Town Board the discretion to require developers of major subdivisions to either dedicate 10% of their land to the Town for open space or paying a Recreational Impact Fee to the Town. The funds from this Recreational Impact Fee are deposited in a special account for the Town to use to buy/construct a new Town park or to improve existing parkland or open space.
  - d) Proposed Town Recreation Activities: The volunteers in the Town Recreation Committee are working to maintain and improve the programs here in Pendleton to serve the residential needs. The Recreation Committee is looking at what they can do for Senior Citizens and other adults.

## **CHAPTER 8**

### **OPEN SPACES**

#### **SECTION 8.1      OVERVIEW**

The maintenance of open land is a necessary part of a community's planning program. The importance of open space relates to the functions it serves. First, open space provides social benefits for recreation and viewing an aesthetically pleasing landscape. Second, open land helps to determine patterns of development and influences real estate value. It is a well-known fact that the value of surrounding development is enhanced by the natural conditions of abutting open land. Finally, open space serves important environmental functions by protecting areas of ecological significance.

An open space plan should be proactive and be integrated as a part of the land development process. An open space plan should, therefore, be formulated in conjunction with other community plans so that it may further overall community purposes and goals. The result will be a comprehensive approach to land planning in which various land uses are integrated in a supporting manner.

Presently, the Town of Pendleton has considerable open space due to farming being a significant land use in the past and present, and designated Federal and State wetlands. Due to this large amount of open land, the Town has a unique opportunity to make open space an integral part of the Town's future character.

#### **SECTION 8.2      OBJECTIVES**

##### **OBJECTIVE NO. 1**

Maintain the open character of the Town of Pendleton. Establish a town-wide open space and greenery network policy to integrate with land use development in the Town.

##### **OBJECTIVE NO. 2**

Preserve environmentally sensitive areas as open space that were subject to development constraints such as drainage channels and wetlands. Wetlands have both nature/wildlife benefits and storm water retention benefits.

##### **OBJECTIVE NO. 3**

Initiate a public acquisition program or programs to successfully achieve a town-wide open space and greenway network policy.

#### **SECTION 8.3      POLICIES AND GOALS IMPLEMENTATION**

1. Maintain the open character of the Town by commissioning the carrying out of

an open space plan under the jurisdiction of the Town Planning Board that will:

- a) Define and maintain an accounting of the location and area of open space in the Town. Open space should at least be categorized as public or private open space, if due to natural development constraints and the use (if any). A goal of maintaining at least 10% open space should be considered as part of any development process.
  - b) Continue and improve the protection of floodplains, drainage ways, and beneficial and unique open space.
  - c) Maintain the existing low-density residential standards.
  - d) Allow planned residential developments with provisions for considerable open space.
  - e) Require, where feasible, the preservation or development of woodlands or preserved open space as buffers.
2. Preserve unique or beneficial open space areas by:
- a) Developing an acquisition program for unique and beneficial properties either with public financing or from an open space fund drive that includes the donation of property. The acquisition priority would be established in the open space plan mentioned above.
  - b) The Town should also designate the open space areas it wants to preserve on an official map; however, this does not assure the Town that it will be able to obtain these properties.
3. Require developers to reduce the amount of clearing of trees and brush in subdivision construction. The preservation of Natural Features and Trees as a part of any major subdivision of land by developers is essential to maintain the open space character of the Town.
4. The Town should investigate innovative land use controls and easement arrangements as a way to increase open space opportunities.
5. Financial planning should be a part of open space preservation. To do this, the Town should investigate ways to pay for preservation of open space through:
- a) setting a policy to use part of the Recreation Impact Fee for open space.
  - b) have the grant writer look for financial incentives offered by the Federal/State government to create and preserve open space.

- c) look for financial incentives to maintain privately owned open spaces, such as farming, tax exemption, or Town Purchasing Development Rights (based on cost of service).

## **SECTION 8.4 OPEN SPACE PLANNING AND RECOMMENDATIONS**

1. As part of the Implementation Plan, create an open space inventory to be updated on a regular basis. Part of this would be to define the location and area of open space to be mapped. As a part of mapping this, a designation should be considered to show if the open space is private or public, as well as, designation of the natural features of the open space (constraints to development). Overlay maps should be developed and updated with some of the other features defined in the Town Comprehensive Plan.
2. Public Trail (multi-use recreation paths) in Pendleton: Continually explore ways to extend the public trails used for horseback riding, walking/biking, and snowmobiling as a way to create more open spaces. One example is the proposed extension of the Erie Canal Trail through Pendleton to Lockport, which is ongoing. This proposed extension, and others, are consistent with recommendations made in the Erie Canal Economic Development Strategy Final Report published on June 17, 1994 for Erie and Niagara Counties. Seeking ways to extend our other existing public trails should be considered as a way to create more open space.
3. Housing Development in Pendleton: According to the January 2004 summary performed by the Pendleton Town Planning Board, there are approximately 869 building lots to be subdivided for single-family homes, at different stages in the planning process, before the Pendleton Town Planning Board. That study was updated in January 2008 to note that there are 620 homes at different stages of the planning process at this time (refer to Table 1 in Chapter 4). In order to maintain the character of our Town, open space should be integrated as a part of the development process.

The Town could look at possible incentives to offer developers to ensure that open space planning is a part of the development process. Relief from rules of the development can be considered to maintain open space.

4. Agricultural Districts and Exemptions for Farming in Pendleton: There are different incentives provided by New York State, through our Town Assessor's office to promote farming activity.

Agricultural Districts 6 and 7, as defined by the Cornell Cooperative Extension-Niagara County, are located in the Town of Pendleton. These districts allow farmers the ability to have rights to undertake farming activities. Landowners in these agricultural districts cannot subdivide and develop their land, extending public infrastructure.

The Town Assessor also administers other programs to enhance agricultural activities in the Town.

5. Incentives for Maintaining Open Space on Private Land: The Town should look for other methods and incentives to maintain open space.
6. Funding for Open Spaces: The Town should consider ways to collect and dedicate funds to help create and/or enhance open space development.

## CHAPTER 9

### IMPLEMENTATION PLAN

#### SECTION 9.1 OVERVIEW

Section 272-a of the New York State Town Law gives legislative guidance for the preparation of the Town Comprehensive Plan. The Town of Pendleton Town Code - Article XI. Section 247-80D. empowers the Town Planning Board to prepare and change the comprehensive plan and map for development in the entire area of the Town of Pendleton. The Town of Pendleton Comprehensive Plan is designed to be a working document that will guide community leaders in making decisions, establishing priorities, and committing to actions that will affect the future of the Town. Plan implementation will focus on two primary functions of the Comprehensive Plan which are to (1) provide a policy foundation for all Town decisions regarding land use, transportation, Town utilities and other plan elements, and (2) it is the communities “to do” list.

This Chapter addresses Implementation of the Plan so that:

- The Town establishes a process to ensure that the Comprehensive Plan document remains relevant and is updated on a regular basis.
- Recommendations to consider for implementation are determined and reviewed by the Town Planning Board (or a separate committee designated by the Town Board) to be considered for adoption by the Town Board with public input to help prioritize the issues based on current circumstances in the Town.
- The type of issues listed in the Implementation Plan involve recommended changes/updates to the Town Code and other regulatory issues, Capital Improvements that need to be undertaken within the Town and Town Policy/Administrative to review and update. The estimated and most current cost to the Town for Implementation of each issue should be determined for consideration.
- At the beginning of each year that the new Town Board convenes (every two years), the Town Planning Board (or the separate committee as designated by the Town Board) shall review the Implementation Plan and make recommended changes, which could include reordering, additions and deletions, to be considered by the Town Board for adoption before the recommended list of Priority Issues is developed for the next fiscal year.

## **SECTION 9.2            PRIORITY ISSUES**

1. The Town Board shall adopt the Town Comprehensive Plan, with recommendation by the Town Planning Board.
2. The Town Planning Board, or a separate committee as designated by the Town Board, shall develop an Implemental Budget for the next fiscal year's budget to fund Priority Issues/Projects for that year. Seeking grants and other means of funding these activities is encouraged.
3. Develop a farming by right policy.
4. Specific actions to list as Type I actions by the Town as Lead Agency pursuant to the NYSDEC Part 617 Regulations for State Environmental Quality Review (SEQR) should be considered.
5. Update the Town Traffic Study to be current. As a part of this Traffic Study, review the cumulative impacts of the new land development in the Town.
6. Review and update the Townwide Drainage policy to implement new land development projects. As a part of this Townwide Drainage policy, develop and implement a Stormwater Quality Program consistent with New York State and Federal Laws.
7. Review and continually update the Town Code and policies applicable to land development, transportation and public utilities to maintain consistency with the Town Comprehensive Plan for Land Use.

## **SECTION 9.3            CAPITAL IMPROVEMENT ISSUES**

1. The Town shall review for implementation each year, a Capital Improvement Plan for work to improve drainage problems/issues in the Town, and potential water and sewer line extensions in Commercial and Industrial Zoning Districts, and look for resources to fund these extensions, to encourage economic development.

## **SECTION 9.4            ADMINISTRATIVE ISSUES**

1. Identify areas for potential zoning changes, consistent with the Town Comprehensive Plan, to encourage commercial and industrial development.
2. Develop an open space plan for the Town and look to purchase land to maintain as open space consistent with the Town Comprehensive Plan requirements. This open space plan should also address ways to require low-density land

development and ways to encourage an extension of the multi-use public trails in the Town.

3. Encourage the creation of a Pendleton Town Post Office Zip Code.

\* NOTE: Implementation of many of these following strategies has already begun and will continue. Implementation is contingent upon opportunities that may or may not arise in the future.

## **CHAPTER 10**

### **ENVIRONMENTAL QUALITY REVIEW**

#### **SECTION 10.1 OVERVIEW**

Environmental Quality Review is performed for any action in the Town of Pendleton pursuant to Article 8 of the New York State Environmental Conservation Law and the Title 6 NYCRR Part 617 regulations for State Environmental Quality Review (SEQR).

The basic purpose of SEQR is to incorporate the consideration of Environmental Factors into existing planning, review and decision-making processes at the earliest possible time.

SEQR does provide the regulatory framework for proceeding with Environmental Quality Review. As a part of these regulations, SEQR does provide a list of actions, which could potentially have a significant impact on the environment. These actions are defined in Section 617.4 of SEQR and called Type I actions.

SEQR does allow local agencies to define their own list of actions, in addition to those defined in Part 617, as Type I actions subject to SEQR.

#### **SECTION 10.2 OBJECTIVES**

**OBJECTIVE:** To review the requirements of 6 NYCRR Part 617 for State Environmental Quality Review (SEQR), and the requirements of the Town Code as they relate to SEQR on a regular basis to determine the need to modify the Town Code to address issues deemed appropriate based on past actions, and any proposed actions brought before the Town.

#### **SECTION 10.3 POLICIES AND GOAL IMPLEMENTATION**

Periodically the Town Planning Board, with the assistance of other Town Departments, must review their own activities, and any changes to the demographics of the Town to determine the need to update any requirements for Environmental Quality Review in the Town Code.

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